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In re Application of: Woodley, Bruce R.  
Application No.: 09954495  
Filing Date: 09/10/01  
Title: WAVELENGTH AGILE LASER  
Direct to: U. S. Patent and Trademark Office  
Mail Stop: Duplicates  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**NOTICE UNDER 37 CFR 1.251 – Pending Application**

**Statement (check the appropriate box):**

☐ The copy submitted with this reply is a complete and accurate copy of applicant's record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and applicant for the above-identified application that is not among applicant's records.

☐ The copy of the paper(s) listed in the notice under 37 CFR 1.251 is/are a complete and accurate copy of applicant's record of such paper(s).

☐ The papers produced by applicant are applicant's complete record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and the applicant for the above-identified application that is not among applicant's records.

☐ Applicant does not possess any record of the correspondence between the Office and the applicant for the above identified application.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed or printed name

**A Copy of this notice should be returned with the reply.**

**Burden Hour Statement:** This collection of information is required by 37 CFR 1.251. The information is used by the public to reply to a request for copies of correspondence between the applicant and the USPTO in order to reconstruct an application file. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 60 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 223131450.**

**PTO Doc Code: R251.RES (Rev. 03/05)**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:	)	
	)	Examiner: Quyen Phan LEUNG
Bruce R. WOODLEY, et al.	)	
	)	Group Art Unit: 2828
Application No.: 09/954,495	)	
	)	Confirmation No.: 8573
Filed: September 10, 2001	)	
	)	
For: WAVELENGTH AGILE LASER	)	Date: May 31, 2005

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P.O. Box 1450  
Alexandria, VA 22313-1450

**REPLY TO NOTICE UNDER 37 CFR 1.251 – PENDING APPLICATION**

Sir:

Applicants thank the Office for the May 18, 2005, Notice Under 37 CFR 1.251 – Pending Application, requesting a copy of the Information Disclosure Statement and references dated 12/23/03. Applicants' attorney reviewed the file history available on PAIR and believes that all of the Information Disclosure Statements and references listed on the PTO-1449s are already part of the file history.

On the date in question (December 23, 2003), Applicants submitted an amendment in response to an Office Action. Two of the attachments to the amendment were copies of date-stamped post cards from 03/29/02 and 9/10/01 which were submitted with the amendment as prima facie evidence that Information Disclosure Statements had been filed on those dates.

The Examiner later explained in an Ex Parte Quayle Action that the Office had lost the references. New PTO-1449s and copies of the documents listed on the PTO-1449s were submitted on August 3, 2004, in a Communication to the Office in Response to the Ex Parte Quayle Action.

According to PAIR, an IDS was filed on December 23, 2003. This is incorrect. No Information Disclosure Statement was filed on that date.

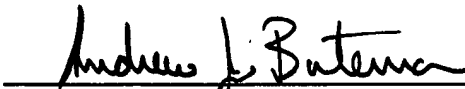
Applicants respectfully submit that all Information Disclosure Statements and references have been submitted to the Office and are already part of the file history. For the convenience of the Office, a copy of the Notice being replied to is attached. However, for the above-mentioned reasons, no additional documents are included with this reply.

Should anyone have any questions regarding this reply or the application in general, please contact the Applicants' attorney, Andrew J. Bateman, by telephone at (202) 625-3547.

All correspondence should continue to be directed to the address given below.

Respectfully submitted,  
KATTEN MUCHIN ROSENMAN LLP

By:



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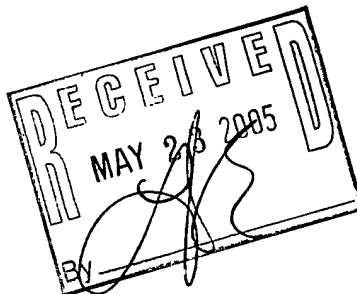
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/954,495	09/10/2001	Bruce R. Woodley	M-12004 US	8573
27160	7590	05/18/2005	EXAMINER	
KATTEN MUCHIN ROSENMAN LLP 525 WEST MONROE STREET CHICAGO, IL 60661-3693			RODRIGUEZ, ARMANDO	
			ART UNIT	PAPER NUMBER
			2828	

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

215248-0004  
X Noted  
CRR





## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### NOTICE UNDER 37 CFR 1.251 - Pending Application

☐ The file on the cover sheet cannot be located after a reasonable search. Therefore, the Office is initiating the reconstruction of the file of the above-identified application pursuant to the provisions of 37 CFR 1.251.

Applicant is hereby requested to provide a copy of applicant's record (if any) of all of the correspondence between the Office and applicant for the above-identified application (except for U.S. patent documents), a list of such correspondence, and a statement that the copy is a complete and accurate copy of applicant's record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and whether applicant is aware of any correspondence between the Office and applicant for the above-identified application that is not among applicant's records.

☒ The following paper(s) pertaining to the above-identified application cannot be located after a reasonable search:

Information Disclosure Statement and references dated 12/23/03.

Therefore, the Office is initiating the reconstruction of such paper(s) pursuant to the provisions of 37 CFR 1.251.

Applicant is hereby requested to provide a copy of the paper(s) listed above and a statement that the copy of such paper(s) is a complete and accurate copy of applicant's record of such paper(s).

If applicant does not possess any record of the correspondence between the Office and the applicant for the file listed on the cover sheet or any copy of the paper(s) listed, applicant must reply to this notice by providing a statement that applicant does not possess any record of the correspondence between the Office and the applicant for the above-identified application.

☐ A printout from PALM of the contents of the file of the above-identified application is included with this notice.

Direct the reply to this notice to:

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P.O. Box 1450  
Alexandria, Virginia 22313-1450

Direct questions concerning this notice to:

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PTO Doc. Code: R251.NTC (Rev. 03/05)